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असाधारण

EXTRAORDINARY

भाग II—खण्ड-2

PART II—Section 2

प्रधिकार से प्रकाशित

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No. 16] NEW DELHI, FRIDAY, APRIL 1, 1966/CHAITRA 11, 1993

इस भाग में भिन्न वृत्त संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखे जा सकें।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

BILL No. 32 OF 1966

The following Bills were introduced in Lok Sabha on the 1st April, 1966:—

A Bill to provide for the imposition of cess on certain produce for the improvement and development of the methods of cultivation and marketing of such produce and for matters connected therewith.

Be it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Produce Cess Act, 1966.

Short
title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Collector" means the officer appointed by the Central Government to perform in any specified area the duties of a Collector under the provisions of this Act and the rules made thereunder, and includes any officer subordinate to that officer whom he may, by order in writing, authorise to perform his duties under those provisions;

(b) "cotton" means raw cotton, whether baled or loose, which has been ginned;

(c) "customs port" has the meaning assigned to it in the Customs Act, 1962; 52 of 1962.

(d) "Indian Council of Agricultural Research" means the body registered in that name under the Societies Registration Act, 1860; 21 of 1860.

(e) "lac" includes any form of manufactured or unmanufactured lac other than refuse lac;

(f) "managing agent" has the meaning assigned to it in the Companies Act, 1956; 1 of 1956.

(g) "mill" means,—

(i) in relation to cotton, any place which is a factory as defined in section 2 of the Factories Act, 1948, and in which, or in any part of which, cotton is converted into yarn or thread either for sale as such or for conversion into cotton goods, 63 of 1948.

(ii) in relation to copra or oil-seed and oil, any premises in which or in any part of which, copra or oil-seed, as the case may be, is crushed, or is ordinarily crushed, with the aid of power for the extraction of oil.

Explanation.—"Power" means electrical energy or any other form of energy, which is mechanically transmitted and is not generated by human or animal agency,

(iii) in relation to any other produce, such place as the Central Government may, by notification in the Official Gazette, specify;

(h) "occupier", in relation to any mill, means the person who has the ultimate control over the affairs of the mill and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the mill;

(i) "oil-seed" does not include copra;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "produce" means any goods specified in the First Schedule or the Second Schedule.

Imposition
of cess.

3. (1) There shall be levied and collected as a cess, for the purposes of this Act, on every produce specified in column 2 of the First Schedule, which is exported from any customs port to any port beyond the limits of India, a duty of customs at such rate, not

exceeding the rate specified in the corresponding entry in column 3 thereof, as the Central Government may, by notification in the Official Gazette, specify :

Provided that until such rate is specified by the Central Government, the duty of customs shall be levied and collected at the rate specified in the corresponding entry in column 4 of the said Schedule.

(2) There shall be levied and collected as a cess, for the purposes of this Act, on every produce specified in column 2 of the Second Schedule, a duty of excise at such rate, not exceeding the rate specified in the corresponding entry in column 3 thereof, as the Central Government may, by notification in the Official Gazette, specify :

Provided that until such rate is specified by the Central Government, the duty of excise shall be levied and collected at the rate specified in the corresponding entry in column 4 of the said Schedule.

4. Every duty of customs leviable under this Act on any produce shall be payable by the person by whom such produce is exported from India and every duty of excise leviable under this Act on any produce shall be payable by the occupier of the mill in which such produce is consumed or extracted.

Persons who shall be liable to pay duty.

5. (1) An amount equivalent to the proceeds of the duty levied and collected under this Act, reduced by the cost of collection as determined by the Central Government, together with any moneys received by the Central Government for the purposes of this Act, shall, after due appropriation made by Parliament by law, be utilized by the Central Government to meet the expenditure incurred in connection with measures which, in the opinion of that Government, are necessary or expedient to promote the improvement, development and marketing of produce.

Application of proceeds of cess.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), the proceeds of the duty levied and collected under this Act may be utilized by the Central Government for all or any of the following purposes, namely :—

(a) undertaking, assisting or encouraging, agricultural, industrial, technological and economic research, including research on the utilization of the products obtained from any produce ;

(b) supplying technical advice to cultivators, growers and millers ;

(c) encouraging the adoption of improved methods of cultivation and storage of crops ;

(d) producing, testing and distributing improved varieties of crops or assisting such work ;

(e) assisting in the control of insects and other pests and diseases of the crops, both in the field and in storage ;

(f) promoting the improvement of the marketing of produce and the products obtained therefrom in India and abroad including the setting up and adoption of grade standards for the produce and the products obtained therefrom ;

(g) collecting statistics from cultivators, growers, dealers and occupiers of mills on all relevant matters and promoting improvement in the forecasting of crops and the preparation of all relevant statistics relating to the crops and the products obtained therefrom ;

(h) maintaining, and assisting in the maintenance of, such institutes, farms and stations as the Central Government may consider necessary ;

(i) advising and providing assistance on all matters connected with the improvement of the cultivation of crops (including advising on the best and most suitable varieties of the crops to be cultivated) and the improvement of the industries using the crops and the products obtained therefrom ;

(j) promoting and encouraging the co-operative movement in any connected industry ;

(k) adopting such measures as may be practicable for ensuring remunerative returns to the growers ;

(l) organising the establishment of cultivators', growers', millers' and consumers' organisations ;

(m) aiding and encouraging the establishment of exhibitions for demonstrating the uses of the produce and the products obtained therefrom ;

(n) adopting any other measures which the Central Government may deem to be necessary or advisable to carry out the purposes of this Act.

(3) In this section, "crops" means crops or plants from which any produce is obtained.

6. There shall be refunded from out of the proceeds of cess levied and collected under this Act, on such conditions as may be prescribed, all sums collected as cess on the quantity of oils exported from India, if such oils have been extracted from oil-seed or copra crushed in a mill in India, irrespective of whether the oil-seed or copra is produced in, or imported into, India.

Refund
of cess
on oils
exported
from
India.

7. The occupier of every mill shall,—

Occupier to supply certain particulars to Collector.

(a) if the mill was established before the commencement of this Act, within fourteen days from such commencement, and

(b) if the mill is established after the commencement of this Act, within fourteen days from such establishment,

furnish to the Collector a statement containing the following particulars, namely :—

(i) the name and situation of the mill;

(ii) the name and address of the occupier;

(iii) the address to which the communications relating to the mill may be sent ; and

(iv) the total capacity of the mill.

8. (1) Every occupier of a mill shall furnish to the Collector every month a return stating the total amount of produce, specified in the Second Schedule, consumed or brought under processing or extracted in the mill during the preceding month. Delivery of monthly returns.

(2) The return referred to in sub-section (1) shall be furnished before the seventh day of each month together with such other information as may be prescribed.

(3) Every such return shall be made in such form and shall be verified in such manner as may be prescribed.

9. (1) On receiving any return made under section 8, the Collector shall assess the duty of excise payable on every produce specified in the Second Schedule, in respect of the period to which the return relates, and if the amount has not already been paid, shall cause a notice to be served upon the occupier of the mill requiring him to make payment of the amount assessed within ten days of the service of the notice. Collection of cess leviable on produce specified in Second Schedule.

(2) If the occupier of any mill fails to furnish in due time the return referred to in section 8 or furnishes a return which the Collector has reason to believe is incorrect or defective, the Collector shall assess the amount payable by him in such manner, if any, as may be prescribed, and the provisions of sub-section (1) shall thereupon apply as if such assessment had been made on the basis of a return furnished by the occupier :

Provided that, in the case of a return which he has reason to believe is incorrect or defective, the Collector shall not assess the duty of excise at an amount higher than that at which it is assessable on the basis of the return without giving to the occupier a reasonable

opportunity of proving the correctness and completeness of the return.

(3) A notice under sub-section (1) may be served on the occupier of a mill either by registered post or by delivering or tendering it to the occupier or his agent at the mill.

Finality
of
assess-
ment.

10. (1) Any occupier of a mill who is aggrieved by an assessment made under section 9 may, within three months of service of the notice referred to in sub-section (1) of that section, appeal to such authority as the Central Government may, by notification in the Official Gazette, appoint in this behalf, for the cancellation or modification of the assessment and, on such appeal, the said authority may cancel or modify the assessment and order the refund to such occupier of the whole or part, as the case may be, of the amount paid thereunder :

Provided that the authority so appointed shall not be inferior in rank to the Collector by whom the assessment was made.

(2) The appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from presenting the appeal within the aforesaid period of three months, allow it to be presented within a further period of one month.

(3) Where the appellate authority is of opinion that any duty of excise has been short-levied, no order enhancing the duty of excise shall be made unless the appellant has been given notice to show cause, within one month from the date of service thereof, against the proposed order.

(4) The Central Government may, on the application of any person aggrieved by any order made under sub-section (1) or sub-section (3), cancel or modify such order, if such application is made within six months from the date of the order made under sub-section (1) or sub-section (3), as the case may be.

(5) The Central Government may, if it is satisfied that the applicant was prevented by sufficient cause from presenting the application within the aforesaid period of six months, allow it to be presented within a further period of one month.

(6) The decision of the Central Government, and subject to the decision of the Central Government, the decision of the appellate authority, shall be final.

Collection
of cess
on any
produce
specified
in First
Schedule.

11. (1) The Collector shall in respect of any produce specified in the First Schedule which is exported by sea assess and collect the duty of customs at the customs port of export.

(2) Where any produce specified in the First Schedule is exported by land, the duty of customs leviable under this Act on such produce shall be assessed and collected by such authority and in such manner as may be prescribed, and, until so prescribed, such duty of customs shall be levied and collected in accordance with the law in force immediately before the commencement of this Act.

54 of 1963.

(3) The Central Board of Excise and Customs constituted under the Central Boards of Revenue Act, 1963, may, by rules, specify the conditions and restrictions subject to which—

(a) refund may be made of the duty of customs levied on any produce specified in the First Schedule which is exported by land, where such produce is subsequently imported into India,

(b) export may be made by land, without payment of any duty of customs, of any produce specified in the First Schedule which is intended to be brought back to India.

12. Where any duty of customs or excise demanded from any person or any penalty payable by any person under this Act is not paid,—

Recovery of sums due to Government.

(a) the Collector may deduct the amount so payable from any money owing to such person which may be under the control of the Collector or any other officer ; or

(b) the Collector may recover the amount so payable by detaining and selling any goods belonging to such person which are under the control of the Collector or any other officer ; or

(c) if the amount cannot be recovered from such person in the manner provided in clause (a) or clause (b), the Collector may prepare a certificate signed by him specifying the amount due from such person and send it to the Collector of the district in which such person owns any property or resides or carries on his business and the said Collector shall, on receipt of such certificate, proceed to recover from the said person the amount specified therein as if it were an arrear of land revenue.

13. (1) The Collector or any officer empowered by general or special order of the Central Government in this behalf shall have free access at all reasonable times during working hours to any mill or any part of a mill.

Power to inspect mills and take copies of account.

(2) The Collector or any such officer may, at any time during working hours, with or without notice to the occupier, examine the purchase, sale and stock records and accounts of any mill and take copies of or extracts from all or any of the said records or accounts for the purpose of testing the accuracy of any return or of informing himself as to the particulars regarding which information is required for the purposes of this Act or any rules made thereunder :

Provided that nothing in this section shall be deemed to authorize the examination of any description or formulæ of any trade process.

Information acquired to be confidential.

14. (1) All such copies and extracts and all information acquired by a Collector or any other officer from any inspection of any mill or from any return submitted under this Act shall be treated as confidential.

(2) If the Collector or any such officer discloses to any person, other than a superior officer, any such information as aforesaid, without the previous sanction of the Central Government, he shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine :

Provided that nothing in this section shall apply to the disclosure of any such information for the purpose of a prosecution in respect of the making of a false return under this Act.

Provisions of certain Acts to apply.

15. (1) The provisions of the Customs Act, 1962, and the rules and regulations made thereunder, including those relating to refunds and exemptions from duty, shall, so far as may be, apply in relation to the levy and collection of duties of customs on any produce specified in the First Schedule as they apply in relation to the levy and collection of duty payable to the Central Government under that Act.

(2) The provisions of the Central Excises and Salt Act, 1944, and the rules made thereunder, including those relating to refunds and exemptions from duty, shall, so far as may be, apply in relation to the levy and collection of duties of excise on any produce specified in the Second Schedule as they apply in relation to the levy and collection of duty payable to the Central Government under that Act.

Offences.

16. (1) Whoever—

(a) evades the payment of any duty of customs or excise payable under this Act, or

(b) fails to furnish any return or information which it is his duty to furnish under this Act or furnishes a return or information which is false in material particulars or which he does not believe to be true, or

(c) obstructs the Collector or any other officer in the performance of his duties under this Act or any rules made thereunder,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(2) Any court trying an offence under this Act may direct that any produce in respect of which it is satisfied that an offence punishable under this Act has been committed shall be forfeited to Government and may also direct that all packages, coverings or receptacles in which such produce is contained and every animal, vehicle, vessel or other conveyance used in carrying such produce shall be forfeited to Government.

17. No prosecution for any offence punishable under this Act shall be instituted against any person except by, or with the consent of, the Collector. Limitation of prosecution.

18. Any offence punishable under this Act may, either before or after the institution of the prosecution, be compounded by the Collector or any other officer authorised by him in this behalf on payment to the Central Government, for the purposes of this Act, of such sum as the Collector or such officer, as the case may be, thinks fit. Composition of offences.

19. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person authorized by the Central Government for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder. Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Central Government or any person authorized by the Central Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act or any rule or order made thereunder.

20. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) conditions subject to which refund may be made of any sums collected as duties of excise on any quantity of oil exported from India ;

(b) the form of the monthly return which every occupier of a mill should submit to the Collector and the manner in which such return shall be verified ;

(c) information which every occupier may be required to furnish in the monthly returns ;

(d) manner in which assessment of duties of excise shall be made where no return has been furnished or the return which has been furnished is believed by the Collector to be incorrect or defective ;

(e) the authority by which and the manner in which the duties of customs leviable under this Act shall be collected on any produce specified in the First Schedule which is exported by land ; and

(f) any other matter which is required to be, or may be, prescribed.

Power to
remove
difficulties.

21. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, make such directions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the difficulty :

Provided that no such directions shall be made after the expiry of a period of three years from the date of commencement of this Act.

Extension
of appli-
cation of
the Act.

22. The Central Government may, after consultation with the Indian Council of Agricultural Research, by notification in the Official Gazette, declare that the provisions of this Act shall apply to a produce not included in the First Schedule or the Second Schedule and specify respectively in columns 3 and 4 thereof the maximum rate of such cess and the actual rate at which such cess shall be levied and collected on such produce until a different rate is specified by the Central Government by notification in the Official Gazette, and on the publication of such notification, such produce and such rate shall be deemed to be included in the First Schedule or the Second Schedule, as the case may be.

Rules and
notifica-
tions to
be laid
before
Parlia-
ment.

23. Every rule made under this Act and every notification made under section 22 shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or in the notification or both Houses agree that the rule or the notification should not be made, the rule or the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule or the notification.

THE FIRST SCHEDULE

[See section 3(1)]

S. No.	Name of the produce.	The maximum rate at which duty of customs may be collected.	Actual rate at which duty of customs is to be collected until a different rate is specified by the Central Government.
1	2	3	4
1	Lac produced in India.	Rupees two and thirty paise per quintal.	Rupees two and thirty paise per quintal.
2	Refuse lac produced in India.	Rupee one and seventy paise per quintal.	Rupee one and seventy paise per quintal.

THE SECOND SCHEDULE

[See section 3(2)]

S. No.	Name of the produce.	The maximum rate at which duty of excise may be collected.	Actual rate at which duty of excise is to be collected until a different rate is specified by the Central Government.
1	2	3	4
1	Cotton consumed in any mill in India with a view to producing or manufacturing any goods therefrom.	One rupee per bale of 181.4 kilograms, or in the case of unbaled cotton, twenty-eight paise per 50 kilograms.	Seventy-five paise per bale of 181.4 kilograms, or in the case of unbaled cotton, twenty-one paise per 50 kilograms.
2	Copra consumed in any mill in India with a view to producing or manufacturing any goods therefrom.	Seventy-five paise per quintal of copra.	Sixty paise per quintal of copra.
3	Oils extracted from oil-seed crushed in any mill in India.	One rupee per quintal of oil.	Sixty paise per quintal of oil.

Declaration under the Provisional Collection of Taxes Act, 1931

It is hereby declared that it is expedient in the public interest that the provisions of clause 3 of this Bill and the First Schedule and the Second Schedule thereto shall have immediate effect under the Provisional Collection of Taxes Act, 1931.

16 of 1931.

STATEMENT OF OBJECTS AND REASONS

The Indian Cotton Cess Act, 1923, the Indian Lac Cess Act, 1930, the Indian Coconut Committee Act, 1944, and the Indian Oilseeds Committee Act, 1946, will cease to have effect from 1st April, 1966 on which date the Indian Central Cotton Committee, the Indian Lac Cess Committee, the Indian Central Coconut Committee, and the Indian Central Oilseeds Committee, constituted under those Acts will stand dissolved, and there will be no legislative sanction for the continuance of the levy of cess on these produce after 31st March, 1966.

2. Although the Committees have been abolished, the work done by the Committees will continue to be carried out even after 31st March, 1966. The Research Institutes and Stations and other research projects of these Committees will come under the administrative control of the Indian Council of Agricultural Research and the work relating to development, marketing and other functions will be directly looked after by the Ministry of Food and Agriculture, Department of Agriculture, assisted by Development Councils formed for this purpose by the Government. Suitable grants will be given to the Indian Council of Agricultural Research for the maintenance of the Research Institutes and for carrying on the research activities. Under the revised set-up, larger investments will be necessary on these produce in order to have an effective programme of research and development. It is therefore very necessary that the cesses on these produce are continued to be levied even after the Commodity Committees have been abolished.

3. The Bill accordingly seeks to continue the levy of cess on these produce.

4. Opportunity has also been taken to simplify the nature of cess levied on the produce and to re-assess the rate of cess to be levied, in conformity with the present prices of the produce.

NEW DELHI;
The 24th March, 1966.

C. SUBRAMANIAM.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF
THE CONSTITUTION OF INDIA

[Copy of Letter No. 2-2/65-Reorgan(CC) dated the 25th March, 1966,
from Shri C. Subramaniam, Minister of Food, Agriculture, Com-
munity Development and Co-operation to the Secretary, Lok
Sabha.]

The President having been informed of the subject matter of the
Produce Cess Bill, 1966, recommends the introduction and consider-
ation of the Bill in the Lok Sabha under article 117(1) and 117(3)
of the Constitution of India.

FINANCIAL MEMORANDUM

The Bill provides for the levy and collection of cess in the nature of a duty of customs in respect of items in the First Schedule, and a duty of excise in respect of items in the Second Schedule. The collections made through the existing revenue collection organisation are to be credited to the Consolidated Fund of India. Grants-in-aid will be given to the Indian Council of Agricultural Research for conduct of research and the Department of Agriculture will finance specific development projects relating to these produce. The organisation to execute the development schemes in the Department of Agriculture would be the Regional Development Offices which are in the process of formation and for which an *ad hoc* provision of Rs. 10 lakhs has been made in the budget for 1966-67.

The revenue from the proposed cesses, on the basis of the present level of production and export of the commodities concerned, is estimated to be of the order of about Rs. 134.50 lakhs per annum. The expenditure on the various measures enumerated in clause 5 is estimated to be about Rs. 297 lakhs in 1966-67.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the Central Government to make rules providing for the authority and the manner in which the cess should be collected, the form and information to be furnished in the returns to be submitted to the Collectors, assessment of cess where no return has been furnished, and the conditions subject to which refunds may be made in respect of oil exported from India. The matters in respect of which rules may be made relate to procedure and details. Therefore, the delegation of legislative power is of a normal character.

BILL No. 23 OF 1966

A Bill to provide for compulsory training in rifle-shooting to all able-bodied citizens between the ages of twenty and thirty years.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Rifle Training Scheme Act, 1966.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short
title, ex-
tent and
commen-
cement.

Persons
to whom
Act
applies.

2. This Act shall apply to all male citizens of the country, irrespective of their caste, creed, faith, employment or profession, within the age limits of twenty years and thirty years, and who are found to be physically and medically in good health:

Provided that persons already enrolled in, or who have passed, the various courses prescribed under the National Cadet Corps or Territorial Army or Home Guards Scheme, shall be exempted from the operation of the provisions of this Act.

Compul-
sory Rifle
training
Scheme.

3. (1) The Central Government shall, by notification in the Official Gazette, frame a scheme to be called the National Rifle Training Scheme for imparting compulsory training in rifle shooting to all those persons to whom this Act applies; and the Scheme shall be administered and implemented by that Government through such officers and authorities as it may deem fit and specify therein.

(2) The Scheme may provide for—

(a) creation of a separate Directorate-General at the Centre under the over-all supervision of the Ministry of Defence to organise and administer the provisions of the Scheme;

(b) creation of the posts of Directors and other subordinate authorities at State and District levels for the implementation of the Scheme;

(c) creation of the posts of organisers and instructors at District and sub-division levels for imparting training in rifle shooting;

(d) the manner in which and the places at which the State, District and sub-division headquarters and camps and store houses under the Scheme shall be established and maintained;

(e) the manner of procurement and supply of the necessary rifles of the prescribed standard and ammunition for the Scheme;

(f) fixation of the standard of rifles to be used for training purposes;

(g) the manner in which and the places at which the training in rifle shooting shall be imparted;

(h) the number of hours in a week for which a trainee shall undergo training;

(i) the determination of the period of training and the manner in which the courses shall be regulated;

(j) the manner in which the physical fitness of the trainees shall be determined, and

(k) the award of suitable certificates to trainees after successful completion of the training courses and tests.

4. (1) The Central Government may, for the purpose of advising it in all matters of policy connected with the framing and administering the Scheme, appoint a Central Advisory Committee consisting of the following persons, namely:—

Advisory
Commit-
tees.

(a) Minister of Defence, who shall be the Chairman of the Committee;

(b) Secretary to the Ministry of Defence, *ex-officio* member;

(c) Secretary to the Ministry of Home Affairs, *ex-officio* member;

(d) Chief of the Army Staff, *ex-officio* member;

(e) Director-General of Civil Defence, *ex-officio* member;

(f) Three members of Parliament to be nominated by the Central Government.

(2) The Central Government may also appoint for the same purpose as specified in sub-section (1) such State and District Advisory Committees as it may consider desirable from time to time and may prescribe their duties and functions.

5. If any difficulty arises in giving effect to the provisions of this Act or of any Scheme framed thereunder, the Central Government may, by order, as occasion requires, do anything (not inconsistent with this Act) that appears to it to be necessary for removing the difficulty.

Power
to re-
move diffi-
culties.

6. If a person, to whom this Act applies, fails to comply with the provisions of this Act or of the Scheme thereunder, shall be liable to punishment with imprisonment which may extend to three months, or with fine.

Penalty
for non-
compli-
ance.

7. The Scheme framed under this Act shall be laid, as soon as may be after it is framed, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of that session in which it is so laid or the session or sessions immediately following, both Houses agree in making

Scheme
to be
laid
before
Parlia-
ment.

any modification in any provision of the Scheme or both Houses agree that any provision in the Scheme should not be made, the provision of the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that provision.

STATEMENT OF OBJECTS AND REASONS

The armed aggression by the Chinese in 1962 on our motherland has highlighted certain weaknesses in our defence preparedness. Since then vigorous efforts and ambitious projects in the field of production of defence equipment, creation of new divisions of mountain army and recruitment to our armed forces have done much to improve our military strength. Besides our defence forces, our second line of defence, i.e., the National Cadet Corps and Territorial Army have also made tremendous strides. With a view to strengthening and invigorating our second line of defence, it is necessary that every able-bodied male citizen of our country is taught the basic fundamentals of handling a firearm. This measure would ensure a regular and plentiful source of supply to our armed forces and the territorial armies. It is with this object in view that this Bill seeks to provide for compulsory training in rifle shooting to all those able-bodied citizens within the age limits of twenty and thirty years.

Hence this Bill.

NEW DELHI;
The 22nd February, 1966.

S. C. SAMANTA,

FINANCIAL MEMORANDUM

The Bill contemplates the appointment of various officers and authorities at Central, State and District levels and of Advisory Committees as well. It also provides for supply of necessary equipment for implementing the provisions of the Scheme. All these provisions involve an initial non-recurring expenditure as well as recurring expenditure in the shape of pay and allowances. It would be difficult, at this stage, to assess accurately the total financial requirement of the Scheme. It may, however, be approximately assessed as amounting to Rs. 50 lakhs initially.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to empower the Central Government to frame a Scheme to carry out the purposes of this Act. The matters in respect of which the Government is required to prescribe the procedure have been specified in sub-clause (2) of clause 3. They relate to the manner in which authorities of the Scheme are to be appointed, the training is to be imparted, necessary material and equipment is to be supplied for the Scheme, etc. All these are matters of procedural nature. The delegation of legislative power is thus of a normal character.

BILL No. 21 OF 1966

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1966.

Amend-
ment of
article
239A.

2. In article 239A of the Constitution in clause (1), after the words "Parliament may by law create for any of the Union territories of" the word "Delhi" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Under article 239A of the Constitution, Parliament has been empowered to create by law, Legislatures and Council of Ministers for the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry but no such provision is made for the Union territory of Delhi.

This Bill seeks to provide that like the people in the other Union territories, the people of Delhi also have the opportunity to enjoy similar democratic rights and solve their problems themselves.

NEW DELHI;
The 2nd March, 1966.

NAVAL PRABHAKAR.

S. L. SHAKDHER,
Secretary.

